

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 30, 2000

DIVISION ONE

B132751 Byers
 v.
 Peterson

Filed order denying petition for rehearing.

B135654 Van Wagner Communications, Inc. (Certified for Partial Publication)
 v.
 City of Los Angeles

We reverse Judge Yaffe's order denying appellant's petition for writ of administrative mandamus (second cause of action). We direct Judge Yaffe on remand to issue a new order granting the petition for administrative mandamus and directing the City to reinstate Van Wagner's sign permit. We affirm Judge Yaffe's order granting the City's motion for judgment on the pleadings on the first cause of action for traditional mandamus (Code Civ. Proc., § 1085).

We reverse Judge Ferns' order granting the City's motion for judgment on the pleadings on the third cause of action for inverse condemnation.

We affirm Judge Ferns' order granting the City's motion for judgment on the pleadings on the fourth cause of action for estoppel.

Given our determination that the permit should be reinstated, the cross-complaint concerning ACP's right to keep Van Wagner's \$100,000 payment is moot. We direct Judge Ferns on remand to vacate the order granting summary judgment and awarding costs and fees to ACP, and enter a new order of dismissal directing the parties to bear their own costs and fees.

The parties are to bear their own costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Mallano, J.

October 30, 2000-Continued

DIVISION ONE (Continued)

B141173 People (Not for Publication)
v.
Francisco Jesus Arrieran

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Mallano, J.

B140713 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Adriana S.

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

B140887 People (Not for Publication)
v.
Wiliam Jean Gerk, Jr.

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

October 30, 2000-Continued

DIVISION ONE (Continued)

B133303 People (Not for Publication)
v.
Samuel Rivera

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B136596 People (Not for Publication)
v.
Quincy J.

The order is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B135418 Oscar M. Padilla (Not for Publication)
v.
KMEX/Channel 34

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B132369 PM Factors (Not for Publication)
 v.
 Rodrigo Zuleta

The order is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B132292 Scott A. Zettlemoyer (Not for Publication)
 v.
 Wolfer Printing Company et al.

The judgment is reversed. The trial court is directed to vacate its order sustaining defendants' demurrer to the second amended complaint without leave to amend and to enter a new and different order granting plaintiff leave to amend his complaint as to his causes of action for wrongful termination in breach of oral contract, retaliatory termination and age discrimination against defendant Wolfer only. Plaintiff is to recover costs on appeal.

Spencer, P.J.

I concur: Mallano, J.
I concur: Vogel (Miriam A.), J. (opinion)

DIVISION TWO

B134583 People (Not for Publication)
 v.
 Grinstead

The judgment is affirmed.

Boren, P.J.

We concur: Cooper, J.
 Todd, J.

DIVISION TWO (Continued)

B137830 Patricia D. Roberts (Not for Publication)

v.

Superior Court, Los Angeles County
(Calfarm Insurance Company, r.p.i.)

Let a writ of mandate issue directing the superior court to set aside its order granting the motion to compel arbitration, and issue a new and different order denying the motion. Petitioner to recover the costs of this petition.

Boren, P.J.

We concur: Nott, J.
Cooper, J.

DIVISION THREE

B137198 Le Reve Hotel (Not for Publication)

v.

Grupo Costamex, S.A., et al.

The order denying the motion to vacate the default judgment and reopen the case is reversed with directions to grant the relief requested. Le Reve Hotel to recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
Kitching, J.

B140993 People (Not for Publication)

v.

Steven R.

The judgment (order declaring minor a ward of the court under Welf. & Inst. Code, section 602) is reversed.

Klein, P.J.

We concur: Croskey, J.
Aldrich, J.

DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B137989 People (Not for Publication)
v.
Abdullah

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B131267 People (Not for Publication)
v.
Martin

The judgment is reversed. Martin's plea of no context is ordered vacated, and the case is remanded to the trial court.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (Continued)

[illegible]

The judgment (order granting probation) is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B139248 People (Not for Publication)
v.
Hardin

The judgment is modified to stay the term imposed for assault with a firearm and to reflect a restitution fine and a parole revocation fine each in the amount of \$10,000. As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare an amended abstract of judgment reflecting these modifications and forward it to the Department of Corrections.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B138546 Denny L. Beroiz et al. (Certified for Publication)
v.
Tony Wahl et al.

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FOUR (Continued)

B133982 George Martinez et al. (Not for Publication)
 v.
 Valley Indoor Swap Meet

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
 Hastings, J.

B136959 Nancy A. Ruff (Not for Publication)
 v.
 Byron Benedict Waters

The judgment is reversed. Appellant is to have his costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

B128454 Quinn (Certified for Publication)
 v.
 City of Los Angeles

The judgment entered on October 15, 1998, in favor of plaintiff Eugene Quinn and the postjudgment order entered on January 19, 1999, awarding plaintiff Eugene Quinn attorney fees and costs are reversed and the trial court is directed to enter judgment in favor of defendant the City of Los Angeles. City to recover its costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FIVE

B136117 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Dezdon L.

The orders under review are affirmed.

Turner, P.J.

I concur: Grignon, J.
I dissent: Armstrong, J. (Opinion)

DIVISION SIX

B120703 People (Not for Publication)
v.
Rogelio Gonzalo Hernandez
Gabriela Nieto Hernandez

The judgment as to appellant Gabriela Hernandez is reversed. Her case is remanded to the superior court for retrial if the People so elect. The judgment as to appellant Rogelio Hernandez is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B139729 Williams et al. (Not for Publication)
v.
Airport Century Inn, Ltd., et al.

The judgment is reversed and the cause is remanded for further proceedings consistent with this opinion. Appellant to recover their costs on appeal.

Johnson, J.

I concur: Lillie, P.J.
I concur with judgment only: Woods, J.

DIVISION SEVEN (Continued)

B133236 Ford (Not for Publication)
v.
Zale Corporation

The judgments are reversed and the cause is remanded to the trial court with directions to grant defendants' motion for summary judgment as to the causes of action for breach of contract, a breach of implied covenant of good faith and fair dealing, fraud and deceit and to deny the motion as to the remaining causes of action. Appellant is awarded her costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B132160 People (Not for Publication)
v.
Ramirez

The judgment is reversed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B134099 People (Not for Publication)
v.
Sanchez

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B131853 Ehumadu (Not for Publication)
v.
Osunwa et al.

The order denying Osunwa's motion for new trial is affirmed; the judgment as to Osunwa is reversed and on remand the trial court is directed to enter judgment in favor of Osunwa on the complaint. The order of September 16, 1999, is affirmed. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B129046 Loor (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B132490 Grey (Not for Publication)
v.
Amex Assurance Company

The summary judgment is reversed and on remand the trial court is directed to deny the motion for summary judgment and to vacate that part of the March 4, 1999, order denying Grey's discovery motions with prejudice, and to enter a new order denying the discovery motions without prejudice. The parties are to bear their own costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B135793 Nguyen (Not for Publication)

V.

Employer's Insurance of Wausau

The judgment is affirmed. Respondent to receive costs on appeal. Respondent's motion for sanctions is denied.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B139511 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Urbano R.,

In re Ruben R. et al., Persons Coming Under the Juvenile Court Law.

The order is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B140359 People (Not for Publication)

V.

Sanchez A.,

In re Antonio Sanchez A., a person Coming Under the Juvenile Court Law.

The order under review is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B134621 People (Not for Publication)
v.
Rodriguez

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B129207 Einstein Systems, Inc., et al. (Not for Publication)
v.
Kawata
Einstein Engine Flush Systems, Inc.

The judgment is reversed, and the case remanded to the trial court for entry of a new judgment in conformity with this opinion. The parties shall bear their own costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B138966 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Chris W.,
In re Katrina W., a Person Coming Under the Juvenile Court Law.

The order is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

B142907 Princess C. (Not for Publication)

v.

Superior Court, Los Angeles County

(Los Angeles Dept. of Children and Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

B133352 People (Not for Publication)

v.

Marc Alexander Graham

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B139424 People (Not for Publication)

v.

Gary L. Thomason

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B137437 People (Not for Publication)
v.
Juan Antonio Gomez

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B137535 People (Not for Publication)
v.
Benito Gonzalez and Felipe Gonzalez

The judgment as to each defendant is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

B126589 People (Not for Publication)
v.
John Wallace Brumbaugh

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B134848 Mary Taylor (Not for Publication)
B137598 v.
 Kevin Taylor

The portion of the appeal from the October 21, 1998 order is dismissed. Insofar as it directs Husband to pay \$1,750 in attorney fees, the October 6, 1999, order is reversed and remanded to the trial court with directions to enter a new and different order awarding Wife Attorney fees of \$750 for defense of that proceeding. In all other respects, the judgments are affirmed. Each side shall bear its own costs.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B127645 Ron Hacker et al. (Not for Publication)
 v.
 Gabriel Rubanenko
 Matthew H. Tambor

The orders directing appellant to pay each of various respondents \$1,500 in sanctions in connection with the vacating of defaults entered against appellant's former client are modified by reducing each of the sanction awards to \$1,000. As so modified, and in all other respects, the orders are affirmed. No sanctions are awarded. Each party to bear its own costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.